

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

PERFORMANCE CHEMICAL COMPANY,

Plaintiff,

v.

TRUE CHEMICAL SOLUTIONS, LLC,

Defendant.

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Civil Action No. 6:21-cv-00222-ADA

**PERFORMANCE CHEMICAL COMPANY’S SECOND SUPPLEMENTAL
DEPOSITION DESIGNATIONS**

Pursuant to the Tenth Amended Scheduling Order (ECF No. 143) Plaintiff Performance Chemical Company (“PCC”) hereby submits the supplemental deposition designations attached hereto for use at trial. PCC reserves the right to amend these designations and reserves the right to use any deposition testimony at trial for cross-examination and impeachment purposes. PCC has not provided deposition designations of witnesses that either party has indicated will be called live at trial; however, to the extent any such witness will not be called live at trial for any reason, PCC reserves the right to designate deposition testimony for such witness.

DEPONENT NAME	DATE OF DEPO	PCC'S INITIAL DESIGNATIONS	TRUE CHEM'S OBJECTIONS	TRUE CHEM'S COUNTER-DESIGNATIONS	PCC'S OBJECTIONS TO TRUE CHEM'S COUNTER-DESIGNATIONS	COURT RULING
Kelly Gabriel	03/04/2020					
		5:19-6:1	C	4:19-24; 6:2-12; 6:20-24		
		7:6-7:19				
		7:22-8:6	8:2-3; R			
		14:15-15:13	C; 14:8-25; A	14:9-14		
		16:5-16:17	R			
		17:2-17:4	R			
		18:3-18:7				
		18:19-19:1	C	18:8-18		
		19:8-19:11				
		21:22-21:25				
		22:1-22:19	C	22:20-23:7		
		23:8-23:25				
		24:2-24:21	24:20-21; R			
		28:15-32:22	32:14-21; R			
		33:18-33:25	R; C	34:1-2		
		34:23-35:12	R			
		36:7-36:23	R; P			
		39:16-39:19	R			
		41:20-42:7				

DEPONENT NAME	DATE OF DEPO	PCC'S INITIAL DESIGNATIONS	TRUE CHEM'S OBJECTIONS	TRUE CHEM'S COUNTER-DESIGNATIONS	PCC'S OBJECTIONS TO TRUE CHEM'S COUNTER-DESIGNATIONS	COURT RULING
		42:19-42:25				
		43:7-44:10	C	44:11-45:4		
		47:11-47:19	Priv; F; Confuse Issues			
		48:20-49:4				
		50:18-53:4	50:23-51:13; C; R	50:10-17; 53:5-19; 54:1-7		
		53:19-53:25				
		56:18-57:3	R			
David Fehr	07/22/2020					
		4:23-4:24	No Oath	5:11-6:10		
		14:6-15:1	C	7:13-10:22; 11:3-14:5; 15:2-15; 15:19-16:5; 16:20-17:15; 9:9-20:4		
		23:16-24:15	C	20:21-21:2		
		24:20-28:6	C	28:7-12		
		31:23-32:22	C	32:23-25		
		33:1-33:16	C	33:21-24; 34:1-4		
		34:6-34:8	C	34:9-10; 34:12		

DEPONENT NAME	DATE OF DEPO	PCC'S INITIAL DESIGNATIONS	TRUE CHEM'S OBJECTIONS	TRUE CHEM'S COUNTER-DESIGNATIONS	PCC'S OBJECTIONS TO TRUE CHEM'S COUNTER-DESIGNATIONS	COURT RULING
		34:19-34:23	C	34:24-35:17		
		35:18-37:3				
		37:22-38:20	H			
		39:10-39:23	H; C	39:24-40:5		
		40:6-40:18	H			
		40:20-41:20				
		41:24-42:1	H			
		42:4-42:22	H; C	42:23-43:7		
		44:21-44:23				
		44:25-45:20				
		45:23-48:15				
		48:17-49:1				
		50:18-51:7	C	51:8-18		
		51:19-52:6	C	52:11-14		
		53:8-53:25	C	54:1-7; 54:15-55:7		
		55:21-57:1	C	57:2-4		
		57:5-57:6	C	57:7-19		
		57:20-59:1	C	59:2-7; 60:4-20		
		60:24-61:6				
		61:19-64:10	C			
		66:20-67:10				

DEPONENT NAME	DATE OF DEPO	PCC'S INITIAL DESIGNATIONS	TRUE CHEM'S OBJECTIONS	TRUE CHEM'S COUNTER-DESIGNATIONS	PCC'S OBJECTIONS TO TRUE CHEM'S COUNTER-DESIGNATIONS	COURT RULING
		67:16-70:22				
		67:2-68:3				
		70:18-70:22				
		70:24-70:25				
		71:4-71:14	C			
		72:15-73:13	Com			
		73:19-75:4				
		75:6-76:5				
		76:24-81:14				
		84:3-84:14	C			
		85:14-87:5	C	87:7-90:11		
		91:17-92:10				
		94:17-96:17	96:9-17; A			
		97:17-97:21	C	97:6-16; 97:22		
		101:19-102:10	C	102:11-17		
Dustin Poole	04/01/2020					
		5:1-5:3	C	6:19-21; 10:12-21		
		12:6-12:8	C	11:19-12:5; 12:9-12:17		
		14:23-15:14	C	13:19-14:22		

DEPONENT NAME	DATE OF DEPO	PCC'S INITIAL DESIGNATIONS	TRUE CHEM'S OBJECTIONS	TRUE CHEM'S COUNTER-DESIGNATIONS	PCC'S OBJECTIONS TO TRUE CHEM'S COUNTER-DESIGNATIONS	COURT RULING
		15:18-17:25	16:17-22; Com			
		18:1-20:5	18:19-21; P, Com			
		21:14-22:14	22:4-8; A			
		42:13-42:19	42:13-19; Com			
		42:21-43:3				
		44:19-44:24				
		48:7-49:12				
		50:4-51:5	51:1-5; Com	207:15-208:3		
		51:7	C	51:8-9		
		51:10-51:25				
		53:11-53:18	C	53:19		
		53:21-53:25				
		54:13-55:25				
		56:3-56:22	C	56:23-59:22		
		59:23-60:1	C	60:16-61:8		
		61:9-61:13	C			
		61:15-62:12				
		62:18-63:21	C	63:22-64:16		
		64:17-66:1				
		66:13-67:4				
		67:19-67:25	F, Am, Com			

DEPONENT NAME	DATE OF DEPO	PCC'S INITIAL DESIGNATIONS	TRUE CHEM'S OBJECTIONS	TRUE CHEM'S COUNTER-DESIGNATIONS	PCC'S OBJECTIONS TO TRUE CHEM'S COUNTER-DESIGNATIONS	COURT RULING
		68:2				
		68:4-68:25	F, Am, Com			
		70:9-70:13	C	69:1-70:8; 70:14-71:2		
		71:19-72:14		211:14		
		72:22-73:11		208:25-209:5		
		74:11-75:10		209:6-14		
		75:19-76:10				
		77:4-77:14				
		77:18-78:2				
		78:12-78:15	C	78:3-11		
		79:1-81:5	79:1 Com, Am 79:20-24; R 80:18 hypothetical			
		82:1-82:12	C	82:13-16		
		83:7-83:10	C	83:1-6; 83:11		
		84:10-84:12	C			
		84:14-84:22				
		85:3-85:21	C, R	85:22-23; 86:1-10		
		86:11-90:12	R; 89:15-19; P			

DEPONENT NAME	DATE OF DEPO	PCC'S INITIAL DESIGNATIONS	TRUE CHEM'S OBJECTIONS	TRUE CHEM'S COUNTER-DESIGNATIONS	PCC'S OBJECTIONS TO TRUE CHEM'S COUNTER-DESIGNATIONS	COURT RULING
		94:7-96:17				
		96:21-98:19	C	98:20-22		
		98:23-99:25				
		100:6-101:25	R, C	212:14-213:16		
		102:21-103:1	C			
		103:14-105:20	C	105:21-106:11		
		107:15-107:21	C	106:21-107:14		
		109:9-111:3				
		111:6-115:6				
		115:15-116:19	R, C	116:20-117:2		
		117:6-118:18	R			
		128:6-129:23	129:17-21 Hypothetical			
		130:1-130:11	130:1-8; Hypothetical; C	130:18-131:17		
		133:8-133:17	Hypothetical			
		135:14-136:16				
		137:8-137:11				
		137:14-137:25				
		138:2-140:2	C			
		144:20-145:5	C, R			
		149:6-150:20	C, A, R, P			
		152:20-153:2	C, R			

DEPONENT NAME	DATE OF DEPO	PCC'S INITIAL DESIGNATIONS	TRUE CHEM'S OBJECTIONS	TRUE CHEM'S COUNTER-DESIGNATIONS	PCC'S OBJECTIONS TO TRUE CHEM'S COUNTER-DESIGNATIONS	COURT RULING
		161:15-161:17				
		162:5-163:12				
		163:15-163:24				
		170:2-170:11				
		177:9-177:18				
		179:10-179:25	C			
		180:2-182:10				
		186:14-187:8	R			
		188:4-188:17	C	188:18-190.1; 209:15-210:21		
		199:9-200:22				
		202:11-203:25	C			
		214:6-215:2				
Jeffrey McMahon	09/23/2020					
		5:1-5:2				
		7:16-8:2				
		8:8-8:10				
		8:19-8:23				
		8:25-9:3				
		13:19-14:9				
		15:10-15:13				
		37:19-38:11				

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		50:8-50:23				
		52:22-53:16				
		53:19- 54:5				
		146:21-146:25				
		157:1-157:11				
		157:15-157:19				
		160:25-161:18				
		161:20-162:4				
		164:2-164:6				
		167:21-168:2				
Benjamin Walter	03/19/2021					
		4:11-13				
		5:13-18				
		6:7-16				
		7:3-8:9				
		8:14-10:13				
		10:22-11:12				
		13:16-14:2				
		14:12-14				
		14:17-19				
		15:3-8				
		15:13-14				

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		15:24-16:1				
		16:20-17:12				
		17:20-17:25				
		18:1-19:10				
		19:24-20:6				
		20:18-21:16				
		21:21-23:2				
		23:4-12				
		23:15-19				
		23:21-25				
		24:6-13				
		24:22-25:6				
		26:4-27:2				
		29:3-5				
		29:9-12				
		29:19-21				
		30:1-18				
		32:4-8				
		38:20-40:11				
		40:17-18				
		40:21-42:19				
		43:11-18				

DEPONENT NAME	DATE OF DEPO	PCC'S INITIAL DESIGNATIONS	TRUE CHEM'S OBJECTIONS	TRUE CHEM'S COUNTER-DESIGNATIONS	PCC'S OBJECTIONS TO TRUE CHEM'S COUNTER-DESIGNATIONS	COURT RULING
		44:22-46:10				
		47:9-50:12				
		50:14-51:8				
		51:24-52:11				
		52:23-54:24				
		55:1-57:24				
		63:19-67:1				
		68:4-69:12				
		69:15-70:10				
		76:1-4				
		79:2-5				
		79:22-25				
		81:15-82:9				
Joshua Bittler	03/22/2021					
		6:4-7				
		6:23-7:2				
		7:14-8:6				
		12:5-23				
		13:13-15:21				
		16:1-4				
		22:9-22				
		25:1-26:19				

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		36:2-37:10				
		37:17-38:8				
		41:10-21				
		41:25-43:18				
		44:13-16				
		45:10-48:25				
		55:7-21				
		56:9-57:20				
		60:4-63:10				
		65:24-66:24				
		69:4-25				
		71:2-72:9				
		75:4-17				
		77:2-78:3				
		78:6-79:2				

Dated: March 25, 2021

Respectfully Submitted,

/s/ Daniel Scardino

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CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure and Local Rule CV-5, I hereby certify that, on March 25, 2021, all counsel of record who have appeared in this case are being served with a copy of the foregoing via the Court's CM/ECF system.

/s/ Daniel Scardino

Daniel Scardino